

BILL NO. 77-116

COUNTY COUNCIL
OF
HARFORD COUNTY, MARYLAND

BILL NO. 77-116

Introduced by Councilman Spry

Legislative Day No. 77-35

Date: November 15, 1977

AN ACT to add new Article 2, heading, Storm Water Control, to Chapter 10, heading, Sediment Control, of the Harford County Code; said new Article to provide for the control of storm water in Harford County, to prevent land erosion from storms, to establish standards for the construction of storm water systems in Harford County, Maryland, to require permits for development plans, and to provide for the maintenance of storm water systems; to provide penalties for the violation of said Article 2; and generally relating to storm water control in Harford County, Maryland.

By the Council, November 15, 1977

Introduced, read first time, ordered posted and public hearing scheduled

on: December 20, 1977

at: 7:15 P.M.

By Order: Angela Markowski, Secretary

PUBLIC HEARING

Having been posted and Notice of time and place of hearing and Title of Bill having been published according to the Charter, a public hearing was held on December 20, 1977 and concluded on December 20, 1977.

Angela Markowski, Secretary

BILL NO. 77-116

1 Section 1. *Be It Enacted By The County Council Of Harford County,*
2 *Maryland,* that new Article 2, heading, Storm Water Control, be,
3 and it is hereby added to Chapter 10, heading, Sediment Control,
4 of the Harford County Code, all to read as follows:

5 CHAPTER 10. SEDIMENT CONTROL.

6 ARTICLE 2. STORM WATER CONTROL.

7 Section 10-21. Purposes.

8 (a) The Harford County Council recognizes the need for
9 effective storm water management in Harford County. The physical
10 manifestation of the County's growth includes increased impervious
11 surface construction such as buildings, driveways, parking lots,
12 and streets, all of which prevent the natural re-absorption of
13 normal rainfall and disruption of normal surface runoff. The
14 purpose of this Act is to control flooding, erosion and water
15 pollution by requiring certain types of controls for storm water
16 runoff.

17 Section 10-22. Definitions.

18 (a) For the purposes of this Article, the following
19 words and phrases shall have the meanings respectively ascribed
20 to them in this Section:

21 (1) Approved Plan. A set of representational
22 drawings or other documents submitted by an applicant as a
23 prerequisite to obtaining a storm water management approval and
24 containing such information and specifications as required by the
25 Department and the District under the regulations adopted in
26 accordance with law.

27 (2) Dams and Reservoirs. A structure which has
28 one (1) or more of the following attributes: Six hundred forty
29 (640) acres (one square mile) or larger in drainage area; normal
30 pool fifteen (15) feet or more in depth above original streambed;
31 and twelve (12) acres or more in surface area.

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1 (3) Department. The Department of Public Works
2 of Harford County, Maryland.

3 (4) Developer. A person, partnership, corporation,
4 firm or other legal entity undertaking the construction of a
5 building or buildings or other forms of construction on land, and
6 who is financially or otherwise responsible for the proposal.

7 (5) Development. The building of structures,
8 storm drainage, roads and other public improvements.

9 (6) Director. The Director of the Department of
10 Public Works for Harford County, Maryland.

11 (7) District. The Harford Soil Conservation
12 District.

13 (8) Embankment and Excavated Ponds. A structure
14 which has all of the following attributes: Less than six hundred
15 forty (640) acres drainage area; normal pool less than fifteen
16 (15) feet in depth above original streambed; less than twelve
17 (12) acres in surface area.

18 (9) Erosion. The process by which the earth is
19 worn by the action of wind and/or water.

20 (10) Excavating. Any act by which soil, earth,
21 sand, gravel, rock or any similar material is cut into, dug,
22 quarried, uncovered, removed, displaced, relocated or bulldozed,
23 and includes the conditions resulting from such actions.

24 (11) Fence, Approved. A permanent, semi-permanent
25 or portable fence not less than forty-two (42) inches in height
26 so constructed and so located, as approved by the permit, to
27 surround sediment basins, steep excavations or ponding areas.

28 (12) Fill, Filled, Filling. Any act by which
29 soil, earth, sand, gravel, rock or any similar material is
30 deposited, placed, pushed, pulled or transported and shall include
31 the conditions resulting from such actions.

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1 (13) Finished Grade. The final grade or elevation
2 of the ground surface which conforms to the approved grading
3 plan.

4 (14) Grading. Any act by which soil is cleared,
5 stripped, stockpiled, filled or any combination thereof.

6 (15) Infiltration Trenches. Constructed by
7 excavating trenches or rectangular areas, then filling the
8 excavation with coarse stone, allowing for water to be stored
9 within the voids between the stone.

10 (16) Land Disturbing Activity. Any earth movement
11 and land changes, except for agricultural operations and activity,
12 involving more than ten thousand (10,000) square feet of area
13 which may result in soil erosion from water or wind and the
14 movement of sediments into any waters or waterways or onto any
15 lands in the State, including but not limited to, clearing,
16 grading, excavating, stripping, filling and related activities
17 and the covering of land surfaces with an impermeable material.

18 (17) Natural Ground Surface. The ground surfaces
19 in its existing state before grading, stripping, excavating or
20 filling, and other land disturbing activities.

21 (18) Parking Lot Water Retention. Shallow surface
22 ponding on parking lots with increased curb heights and an outlet
23 control structure.

24 (19) Person. Any person, corporation, partnership,
25 joint venture, agency, unincorporated association or any combination
26 thereof.

27 (20) Professional Engineer. An engineer duly
28 licensed by the State of Maryland to practice professional engineering
29 under the requirements of Article 75 1/2 of the Annotated Code of
30 Maryland (1957, as amended).

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1 (21) Roof Load Water Retention. Shallow surface
2 ponding on rooftops, with roof drains, structural capability, and
3 emergency overflow measures.

4 (22) Sediment. Soils or other surface or sub-
5 surface materials transported by wind or surface water as a
6 product of erosion.

7 (23) Slope. The inclined surface of a fill,
8 excavation or natural terrain.

9 (24) Soil. Any earth, sand, gravel, rock or any
10 other similar material.

11 (25) Soil Conservation Service. United States
12 Department of Agriculture, Soil Conservation Service.

13 (26) Storm Water Management. A management system
14 for the control of excess storm water runoff caused by changes in
15 land use in a watershed.

16 (27) Stripping. Any activity which removes the
17 vegetative surface cover including: tree removal, clearing,
18 grubbing and storage or removal of topsoil.

19 (28) Underground Storage Tanks. Ponding underground,
20 in tanks that are structurally capable of handling anticipated
21 loadings and soil conditions, and have adequate outlets.

22 (29) Watercourse or Drainageway. Any natural or
23 artificial watercourse, including but not limited to, streams,
24 rivers, creeks, ditches, channels, canals, conduits, culverts,
25 drains, waterways, gullies, ravines or washes, in which water
26 flows in a definite direction or course, either continuously or
27 intermittently; and including any area adjacent thereto which is
28 subject to inundation by reason of overflow or flood water.

29 Section 10-23. Minimum Requirements for Storm Water Control.

30 (a) Storms of a two (2), five (5) or ten (10) year
31 frequency act as landscaping forces on stream channel and waterway
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1 morphology. As a minimum requirement, on-site retention shall be
2 provided that will restrict the peak discharge to that which
3 would have occurred before development for a two (2), five (5) or
4 ten (10) year frequency storm, depending on site conditions.

5 (b) Components of storm water management systems may
6 include, but are not limited to, the following:

7 Dams and Reservoirs - wet or dry.

8 Embankment Ponds - wet or dry.

9 Excavated Ponds - wet or dry.

10 Infiltration Trenches.

11 Parking Lot Storage.

12 Roof Load Storage.

13 Underground Tanks.

14 Piping Systems.

15 All on-site detention structures will be provided with adequate
16 overflow precautions to allow passage of all storms with minimum
17 risk to individuals and/or property downstream.

18 Section 10-24. Permits.

19 (a) All preliminary development plans shall be reviewed
20 by the Department for on-site storm water management. To perform
21 the work required by a storm water management plan, a grading
22 permit must be issued in accordance with the Harford County
23 Sediment Control Law.

24 (1) If the Sediment Control Law exempts a
25 development from its requirements, and the development will
26 affect more than ten thousand (10,000) square feet of area, then
27 the requirements of this Article shall be followed.

28 (2) A permit for construction of storm water
29 systems in accordance with this Article shall be granted when the
30 requirements of this Act are met. No bond shall be required if
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1 the development is exempt from the Sediment Control Law. If the
2 development is covered by the Sediment Control Law, that Law's
3 bonding requirement shall include the requirements of this Act
4 and no additional bond is necessary.

5 (b) A separate storm water management plan shall be
6 required for each separate noncontiguous development site.

7 (c) No storm water management plan shall be transferable
8 from one (1) project to another.

9 (d) No storm water management plan will be given a
10 grading permit if such use is not in conformance with existing
11 zoning, special exemptions and variances applicable to the site.

12 (e) Major modifications of the approved plans shall be
13 submitted to the Department and reprocessed in the same manner as
14 the original plan when:

15 (1) Inspection has revealed the inadequacy of the
16 plan to accomplish the storm water management objectives of the
17 plan, and appropriate modifications to correct the deficiency of
18 the plan are approved by the District. Cost for modification
19 shall be borne by the Owner, and the County shall hold up further
20 development of the site until the modifications are made.

21 (2) The person responsible for carrying out the
22 approved plan finds that because of changed circumstances or for
23 other reasons the approved plan cannot be effectively carried out
24 and proposes revisions to the plan that are consistent with the
25 requirements of this Article and rules and regulations promulgated
26 pursuant thereto and the District and Department approve the
27 proposed revisions.

28 (3) The Department may, in emergency situations
29 and at its discretion, order repairs or modifications in order to
30 protect stream channels, other properties or the general public
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1 from damage, to remain in effect until such modifications or
2 revisions to the plan shall have been approved and implemented.

3 (f) Field modifications of a minor nature where such
4 changes do not render the plan ineffective may be authorized by
5 the Department provided that written authorization is given to
6 the person performing work pursuant to this Article with a copy
7 forwarded in a timely manner to the District.

8 Section 10-25. Permit - Revocation or Suspension.

9 (a) Any permit required by this Article may be revoked
10 or suspended by the Director, after notice, for:

11 (1) Violation of the plan or of any other condition
12 of the permit.

13 (2) Violation of any provision of this Article or
14 any other applicable law, ordinance, rule or regulation relating
15 to the work.

16 (3) Existence of any condition or the doing of
17 any act constituting or creating a nuisance, hazard or endangering
18 human life or property.

19 (b) In addition to the authority set forth in Subsection
20 (a) above, the Director may post a site with an order directing
21 the premises to cease all land disturbing activity being performed
22 under permits required by this Article when such activity does
23 not conform to the specifications, including modifications thereof,
24 of an approved plan or other conditions of the permit issued
25 hereunder, provided that:

26 (1) Written notice to comply will be furnished
27 within seven (7) days to the permittees by regular mail and
28 addressed to the address of the permittee as stated on the application
29 for a permit.

30 (2) And such notice includes the nature of the
31 corrective measures required and the time within which corrections
32 shall be made.

1 (c) Nothing contained in this Section shall be interpreted
2 as restricting the Department from proceeding directly with a
3 cease and desist order or with alternative enforcement procedures
4 as established by law.

5 (d) The County may withhold the issuance of building
6 permits in a development that does not comply with the requirements
7 of this Act.

8 Section 10-26. Plan Documentation and Certification.

9 (a) All plans must be prepared in sufficient detail,
10 with reference to Standards and Specifications as specified in this
11 Article to insure understanding by those responsible for installa-
12 tion as well as by the County Inspector charged with insuring
13 installation as per design. Changes in design or deviations from
14 design in installation beyond what is allowed by law will not be
15 permitted.

16 (b) A professional engineer shall prepare the on-site
17 storm water management plan and will certify on the drawing that
18 the plans meet Storm Water Management design requirements provided
19 by this Article or adopted by the Director in accordance with
20 this Article. The developer or builder will certify on the
21 drawing that all clearing, grading, construction and development
22 will be done strictly in accordance with the approved plan.

23 (c) Plans which are not properly documented and
24 certified, or which do not in fact reflect current on-site
25 conditions or support the certification will be rejected.

26 (d) The standards established by the United States
27 Department of Agriculture, Soil Conservation Service Technical
28 Release No. 55, as amended or replaced, shall apply to all plans
29 submitted under this Act. In addition, all of the requirements
30 of the Maryland Soil Conservation Service Engineering Standards
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1 for storm water management system shall also apply to all plans
2 submitted under this Article, and any and all regulations of the
3 Maryland State Department of Natural Resources shall also apply
4 to all plans submitted under this Article.

5 (e) As a minimum requirement, the plans shall include:

6 (1) A vicinity sketch and boundary line delineation
7 of the site for which the plan covers and on which the work is to
8 be performed.

9 (2) Location of any buildings, structures,
10 utilities, sewers, water and storm drains on the site where the
11 work is to be performed.

12 (3) Relationship of the site to surrounding land:
13 existing topography, drainage and structures.

14 (4) Elevations, and/or contours, dimensions,
15 location and extent of all work proposed to be done, and the
16 existing elevations and/or contours of the land.

17 (5) A certification of the quantity of excavation
18 and fill involved; and area affected by the land disturbing
19 activity in square feet, which is the total site area less that
20 area to remain undisturbed and certified as having effective
21 erosion resistant ground cover.

22 (6) Detailed plans of all drainage provisions,
23 retaining walls, cribbing, vegetative practices, erosion and
24 sediment control measures, location of approved fences, steep
25 excavations or ponding areas, and other protective devices to be
26 constructed in connection with, or as a part of the proposed
27 work, together with a map showing the drainage area of land
28 tributary to the site, and estimated cubic foot per second run-
29 off of the area served by any drain.

30 (7) A timing schedule and sequence indicating the
31 anticipated starting and completion dates of the development
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1 sequence, stripping, clearing, rough grading and construction,
2 final grading and vegetative establishment.

3 (8) A clear and definite delineation of the
4 limits of work.

5 (9) A maintenance schedule in accordance with
6 this Article.

7 (10) Other plans, drawings or materials and
8 information as required by other Sections of this Article or
9 rules and regulations of the Department.
10 Section 10-27. Inspections.

11 (a) Unless otherwise specified, construction of all
12 storm water management structures shall be subject to the
13 inspection of the Department and the approval of both the District
14 and the Department.

15 (b) Inspection by the Department of Public Works will
16 include, but not be limited to:

17 (1) Upon completion of stripping, clearing and
18 stockpiling of soil, but prior to related off-site land disturbing
19 activities.

20 (2) During excavation of the core trench, installation
21 of the pipe or principal spillway, and installation of toe drains
22 on ponds.

23 (3) During rough grading, including hauling of
24 imported or waste materials.

25 (4) Upon completion of rough grading, but prior
26 to placing topsoil, ground covers, or other permanent site
27 development improvements identified on the approved plan.

28 (5) Upon completion of final grading, including
29 established ground covers and plantings, and installation of all
30 vegetative measures and all other work in accordance with the
31 approved plan.

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1 (c) The owner, developer, agent or other person in
2 control shall notify the Department forty-eight (48) hours before
3 commencing any land disturbing activity. Upon receiving such
4 notice, the Department shall inspect the work and notify the
5 owner of its approval or in what respect there has been a failure
6 to comply with the requirements of this Article. Any portion of
7 the work which does not comply shall be promptly corrected by the
8 owner. The Department may make additional inspection as it deems
9 appropriate, and shall have the right to waive inspections,
10 except the final inspection.

11 (d) The Department shall maintain a permanent file of
12 its inspections.

13 (e) The County shall make all final inspections, or
14 cause such inspections to be made, on any construction covered by
15 this Article. Such inspection shall determine whether or not the
16 storm water facilities have been constructed in accordance with
17 approved plans and any rules and regulations adopted pursuant to
18 this Article.

19 Section 10-28. Maintenance Responsibilities.

20 (a) The owner of any property on which work has been
21 done pursuant to this Article, or any other person or agent in
22 control of such property, shall maintain in good condition and
23 promptly repair or restore all grade surfaces, walls, drains,
24 dams and structures, plantings, vegetation, erosion and sediment
25 control measures and other protective devices. Such repairs or
26 restorations, and maintenance, shall be in accordance with the
27 approved plans.

28 (b) A maintenance schedule shall be developed for the
29 life of any storm water management structure. This schedule
30 shall contain, but is not limited to:

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1 (1) When maintenance will be done.

2 (2) What maintenance will be done.

3 (3) Who will perform the required maintenance.

4 (c) A certified annual inspection of each structure
5 will be done by the owner, developer, agent or other person in
6 control of the property with a copy of the inspection report
7 going to the Director and the District. The County reserves the
8 right to verify the contents of the report by making on-site
9 inspections. The inspection report shall include:

10 (1) The condition of vegetation, fences, principal
11 spillway; emergency spillway, embankment, reservoir area, outlet
12 channel, underground drainage, sediment load or any other item
13 which could affect the proper function of the storm water management
14 structure.

15 (2) Description of needed maintenance or repairs.

16 (3) When the repairs are to be completed.

17 (d) An inspection report form will be made available
18 by the Director to fulfill the requirements of this Section.

19 (e) If any maintenance and/or annual inspection required
20 by this Article is not done, the person responsible shall be
21 notified. The required work shall be performed within thirty-six
22 (36) hours. In the event of an immediate danger to the public
23 health or welfare of the community, nuisance and/or safety,
24 notice shall be given by the most expeditious means and the
25 hazard shall be eliminated immediately. In the event that the
26 person responsible fails to take corrective action, the Department
27 shall do the required work. The cost of such work by the Department
28 shall be paid to the County by the person who failed to take
29 corrective action and shall be a debt due the County. Failure of
30 the person responsible from honoring the demands of the County
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1 for the costs incurred shall automatically terminate all permits
2 issued by Harford County to the permittee, his predecessors,
3 successors and assigns in interest until the debt is paid in
4 full.

5 Section 10-28. Rules and Regulations.

6 (a) The Director may establish rules and regulations
7 for the administration of the provisions of this Article in
8 accordance with Section 807 of the Charter of Harford County,
9 Maryland, with opportunity for full participation from the Harford
10 Soil Conservation District and shall obtain the recommendations
11 from the District prior to a public hearing being held.

12 (b) Rules and regulations to be adopted by the Director
13 may include, but not be limited to:

14 (1) An operation and maintenance inspection
15 report form.

16 (2) Design requirements for storm water management
17 structures.

18 Section 10-29. Penalties.

19 (a) Any person convicted of violating the provisions
20 of this Article shall be guilty of a misdemeanor, and upon
21 conviction thereof, shall be subject to a fine of not more than
22 One Thousand Dollars (\$1,000) for each and every violation. Each
23 day that the violation continues shall be a separate offense. In
24 addition thereto, the County may institute injunctive, mandamus
25 or any other appropriate action or proceedings at law or equity
26 for the enforcement of this Article or to correct violations of
27 this Article, and any court of competent jurisdiction shall have
28 the right to issue restraining orders, temporary or permanent
29 injunctions or mandamus or other appropriate forms of remedy or
30 relief.

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1 Section 2. *And Be It Further Enacted*, that if any provision or
2 provisions of this Act, or the particular application thereof,
3 shall be held to be invalid, the remaining provisions and their
4 application shall not be affected thereby. Should any provision
5 hereof be inconsistent with any rule, regulation or policy of any
6 other agency having jurisdiction, such provision shall be invalid,
7 but the remaining provisions and their application shall not be
8 affected thereby.

9 Section 3. *And Be It Further Enacted*, that this Act shall
10 take effect sixty (60) calendar days from the date it becomes
11 law.

12 EFFECTIVE:

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The Secretary of the Council does hereby
certify that fifteen (15) copies of this bill
are immediately available for distribution to
the public and the press.

Angela Markowski
Secretary

BY THE COUNCIL

Read the third time.

Passed _____ (with amendments)

Failed of Passage _____

By order

_____, Secretary

Sealed with the County Seal and presented to the County Executive for his approval this _____ day of _____, 19____ at _____ o'clock ____ M.

_____, Secretary

BY THE EXECUTIVE

APPROVED:

County Executive

Date _____

BY THE COUNCIL

This Bill, not having been considered on final reading within the time required by Charter, stands failed for want of consideration on January 21, 1978.

Angela Markowski, Secretary